

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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|--|---|-------------------------|
| MARK MCCLESKEY, TRUSTEE AND INDIANA |) | |
| STATE COUNCIL OF PLASTERERS AND CEMENT |) | |
| MASONS HEALTH AND WELFARE AND PENSION |) | |
| FUNDS |) | No. 1:11-cv-795-SEB-MJD |
| |) | |
| Plaintiffs, |) | |
| |) | |
| |) | |
| LUCAS STUCCO & EIFS DESIGN, L.L.C., |) | |
| a Missouri corporation, |) | |
| Defendant. |) | |

MOTION FOR ORDER TO SHOW CAUSE

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, move this Court to enter a Rule To Show Cause against LUCAS STUCCO & EIFS DESIGN, L.L.C.. In support of this Motion, the Plaintiffs state as follows:

1. On September 15, 2011, this Court entered a permanent Order of Default and Order for Production of Records against LUCAS STUCCO & EIFS DESIGN, L.L.C., which mandated as follows:

Defendant, LUCAS STUCCO & EIFS DESIGN, L.L.C. is hereby ordered to permit, within 30 days, an audit of their books and records of Plaintiffs' auditor. The audit will cover the period from January 1, 2011 through the present. Defendant is ordered to produce the following records beginning as of January 1, 2011, for examination by Plaintiffs' auditor: All cash disbursement journals; All individual payroll records; All time records which are the basis of the above-mentioned individual payroll records; All State unemployment tax returns as requested by the Trustees; All records showing Defendant's employees nature and classification of work, membership of those employees in, or contributions by Defendant on their behalf to, other trades, crafts, or fringe benefit funds.

2. Despite entry of the above injunctive order, Defendant has failed to produce the records to the Plaintiffs Funds.

WHEREFORE, Plaintiff Funds request that the Defendant herein be held in contempt of

Court, for its neglect and refusal to comply with and obey the Order aforesaid; and that Ralf Schlaefli, owner be required to show cause before this Court why he should not be so held in contempt of Court.

Respectfully submitted,
Arnold & Kadjan

By: s/ Donald D. Schwartz
Donald D. Schwartz

Attorney for Plaintiffs, Mark McCleskey et al.

203 N. LaSalle St., Suite 1650
Chicago, Illinois 60601
Telephone: (312) 236-0415
E-mail: dschwartz@arnoldandkadjan.com

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October 2011, a copy of the foregoing Motion for Order to Show Cause was filed electronically. Notice of this filing will be sent to the following parties via U.S. mail.

Lucas Stucco & EIFS Design, L.L.C.
c/o its Registered Agent, Norbert Glassl
200 North Broadway, Suite 700
St. Louis, MO 63102

s/ Donald D. Schwartz
Donald D. Schwartz

Attorney for Plaintiffs, Mark McCleskey et al.

203 N. LaSalle St., Suite 1650
Chicago, Illinois 60601
Telephone: (312) 236-0415
E-mail: dschwartz@arnoldandkadjan.com